

BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000-14th STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550

IN THE MATTER OF)	DATE: January 7, 2004
)	
Vincent L. Ford)	DOCKET NO.: 03F-233
BID Program Manager (Former))	
Department of Consumer & Regulatory)	
Affairs)	
2913 Cheverly Oaks Court)	
Cheverly, Maryland 20785)	

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of General Counsel following a determination by its Public Information Records Management Division, that pursuant to the D.C. Code §1-1106.02 (2001 Edition), Vincent L. Ford, BID Program Manager, Department of Consumer & Regulatory Affairs, failed to timely file, a Financial Disclosure Statement for calendar year 2002, on or before May 15, 2003 as required by D.C. Official Code §1-1106.02 and also failed to file on or before the OCF sanctioned extended filing deadline of June 19, 2003.

By Notices of Hearing, Statements of Violations and Orders of Appearance dated November 17, 2003 and December 2, 2003, OCF ordered Vincent L. Ford (hereinafter respondent), to appear at scheduled hearings on December 1, 2003 and December 11, 2003 and show cause why he should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

Summary of Evidence

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement for calendar year 2002, on or before June 19, 2003.

On December 11, 2003, the respondent appeared at the scheduled hearing and testified that he retired from government service in December 2002. Respondent further stated that he received OCF notices to file but ignored them as he had retired from government service and was not aware of the filing requirement. Respondent presented a Personnel Form 1 evidencing his retirement effective December 27, 2002, and an Exit

IN THE MATTER OF: Vincent L. Ford

Page 2

Clearance Form, which lists the information covered during the exit interview process. OCF's Financial Disclosure Statement was not listed as a required document to be filed during the respondent's outprocessing. Respondent further stated that he has filed financial disclosure statements over the past eighteen years as a District Government manager. Respondent conceded that the financial disclosure statement referenced was the District's Form 35 (Confidential Statement of Employment and Financial Interests) filed with his agency. Respondent was a Management Supervisory Service employee. Respondent filed a fully executed Financial Disclosure Statement at the conclusion of the hearing.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent retired from government service in December 2002.
2. At the time of his retirement, respondent was a member of the Management Supervisory Service (MSS).
3. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2002, on or before June 19, 2003.
4. Respondent filed the required Financial Disclosure Statement on December 11, 2003.
5. Respondent is a first-time FDS required filer.
6. Respondent provided a credible explanation for the filing delinquency in that he believed his agency failed to inform him of the FDS filing requirement, and in that he confused the filing of the OCF Financial Disclosure Statement with Form 35 (Confidential Statement of Employment and Financial Interests), which he was required to file annually.
7. Respondent is currently in compliance with the statute.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.

2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$2,000.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent's explanation for failing to timely file constitutes good cause for suspension of the fine.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

Date

**Jean Scott Diggs
Hearing Officer**

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

**Kathy S. Williams
General Counsel**

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter be hereby suspended.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order.

Rose Rice
Legal Assistant

NOTICE

Pursuant to 3DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14th Street, N.W., Washington, D.C. 20009.